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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,229	07/07/2003	Yuji Murayama	107348-00354	7016
4372	7590	12/01/2006	EXAMINER	
ARENT FOX PLLC			JACKSON, ANDRE L	
1050 CONNECTICUT AVENUE, N.W.			ART UNIT	PAPER NUMBER
SUITE 400			3677	
WASHINGTON, DC 20036			DATE MAILED: 12/01/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/613,229	MURAYAMA ET AL.
	Examiner	Art Unit
	Andre' L. Jackson	3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 12 September 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 1-6 and 11-15 is/are allowed.
- 6) Claim(s) 7-10 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date: _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 5,862,570 to Lezuch et al in view of USPN 4,194,265 to Zimmermann. Lezuch et al (Figs. 1-5) discloses check arm assembly for an automobile, comprising;

a case (50) secured to one of a body (16) of an automobile and a door (12) pivotally supported on the body for turning movement; a check plate (18) which movably extends through the case to be connected to the other of the body and the door and which is provided in its opposite sides with ball guide grooves (32, 34) extending in a lengthwise direction; a pair of ball holders (62) accommodated in the case and capable of advancing and retracting toward and away from the opposite sides of the check plate; a pair of balls (68) which are retained in hemispherical ball housings formed in the ball holders and which are rollably engaged in the ball guide grooves; and check springs (70) directly contacting and biasing the ball holders toward the check plate, a recess (defined by an inner hemispherical-open surface between flanges 66) of each ball housing for maintaining proper self lubricating properties between the balls relative to the ball housings. However, Lezuch et al fails to disclose that the recess retains grease within the recess and the recess further accommodates a dust therein as claimed.

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Further, Lezuch et al fails to specifically disclose that the recess of each ball housing is formed so that its outer end is closed along a whole periphery thereof by contact portions between the ball and an inner peripheral surface of a respective ball housing as claimed.

Here, Zimmermann teaches a door holder for an automobile, including a case (101) secured to one of a body of an automobile and a door pivotally supported on the body for turning movement; a check plate (102) which movably extends through the case to be connected to the other of the body and door and which is provided at opposite sides with ball guide grooves (115) extending in a lengthwise direction; a pair of ball holders or ends (103, 124) accommodated in the case and capable of advancing and retracting toward and away from the guide grooves; a pair of balls (105) which are retained in hemispherical ball housings (109). A recess (114) is formed in an inner surface of each ball housing and retains grease within the recess, the recess also accommodates a dust therein (col. 3, lines 62-67) via a hole (116), which assists to prevent friction between balls and grooves and avoiding in loss in sliding operation of the door holder. Further, the recess has at least portions extending in the length wise direction of the ball guide groove through the center of the inner surface of the ball housing and wherein the recess is formed so that its outer end is closed along a whole periphery thereof by contact portions between the ball and inner peripheral surface of the ball housing blocking unwanted dirt and debris from hindering smooth operation of the ball holders during advancing and retracting movements. Therefore, it would have been obvious to one having ordinary skill in the art to modify the check arm assembly of Lezuch et al to include the door holder as taught by Zimmermann to provide an improved check arm assembly assisting in the prevention of abrasion

of the working parts during sliding movements while avoiding performance deficiency as a result of dirt and/or debris.

As to claims 8 -10, Zimmermann teaches that the recess further includes an annular shape defining a groove or circular recess (116) located at a center of the inner surface of the ball housing that extends between and connects two portions on an outer peripheral surface of a respective ball which have differing distances from the ball guide groove (Fig. 2).

Allowable Subject Matter

Claims 1-6 and 11-15 are deemed allowable over the prior art made of record.

Response to Applicant's Arguments

Applicant's remarks filed in the Amendment of March 27, 2006 have been considered but are found not to be persuasive. In response to applicant's remarks on pages 11-13 and applicant's amendment to independent claim 1, the Examiner agrees with applicant's viewpoint and respectfully withdraws the rejection applied over Lezuch et al in view of Zimmermann. Thus, the Examiner believes claims 1-6 are patentably distinct from the prior art made of record. However, Lezuch et al in view of Zimmermann has been re-applied to meet the recited structural limitations of amended independent claim 7. Accordingly, claims 7-10 are found to be unpatentable over an obvious-type rejection applied over Lezuch et al in view of Zimmermann. Claims 1-6 and 11-15 are deemed allowable over the prior art of record.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre' L. Jackson whose telephone number is (571) 272-7067. The examiner can normally be reached on Mon. - Fri. (10 am - 6:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy J. Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

André L. Jackson
Patent Examiner
AU 3677

ALJ



Katherine Mitchell
Primary Examiner